

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOCELYN FLOOD,

Plaintiff,

-against-

TARGET CORPORATION,

Defendant.
-----X

LINDSAY, Magistrate Judge:

Before the court is the plaintiff's letter application dated April 19, 2013, requesting that the court amend its order dated April 17, 2013 and/or that the language of the order be clarified. By letter dated April 5, 2013, defendant moved to compel plaintiff to produce Dr. Eric Keefer to appear for a deposition by May 7, 2013. In her letter dated April 10, 2013, plaintiff's counsel stated that their office had no objection to defense counsel's application. The court granted defendant's application by order dated April 17, 2013, there being no objection. The court interpreted plaintiff's response as having control over the nonparty witness. It is now clear that this is not the case. Nonetheless, a copy of the defendant's original application was served on the nonparty witness via first class mail. The court did not receive a response from Dr. Keefer.

Accordingly, the application to amend the order is granted as follows. Defendant's motion to compel Dr. Keefer to appear for a deposition is granted. Dr. Keefer and the parties are directed to confer and agree on a mutually convenient date for Dr. Keefer's deposition. The deposition must be completed before the May 8, 2013 discovery deadline. Counsel for plaintiff is directed to serve Dr. Keefer with a copy of this order via facsimile and first class mail immediately upon receipt.

Dated: Central Islip, New York
April 23, 2013

SO ORDERED:

_____/s/_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge